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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,746	02/08/2001	Nicolas Voyer	202722US2	6586

22850 7590 09/18/2003

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

LELE, TANMAY S

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 09/18/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/778,746

Applicant(s)

VOYER, NICOLAS

Examiner

Tanmay S Lele

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-11 is/are rejected.
- 7) ☒ Claim(s) 5, 6 and 12-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because "Fig. 3" appears at the bottom.

Correction is required. See MPEP § 608.01(b).

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.

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- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Objections

4. Claims 5, 6, and 12 – 14 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claims 4 and 11. See MPEP § 608.01(n). Accordingly, the claims 5, 6, and 12 – 14 have not been further treated on the merits.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 3, 4, 10, and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 3 and 11, it was not understood what "unity" was in reference to. For

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purposes of examination, it was assumed that this was referring to an attenuation value less than the total transmitted power (and hence some power would be transmitted, at least to maintain a connection). Appropriate correction is requested.

Claim 4 is rejected for at least those reasons as recited in claim 3.

Regarding claim 10, it was not understood how, "the value of P is chosen so as to allow non-exceeding of said predetermined power, the value just below, P-1, causing exceeding of said predetermined power," as P-1 would result in a value inherently less than P and hence would be less than the mentioned predetermined power. Appropriate correction is required.

Claim 11 is rejected for at least the reasons recited in claim 10.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1 –4 and 7 – 11 are rejected under 35 U.S.C. 102(e) as being anticipate by Rohani et al. (Rohani, US Patent No. 6,064,659).

Regarding claim 1, Rohani teaches of a system for controlling the transmission power of a base station with which a number of mobile stations are in communication (Figures 2 and 5), said base station having power command units which receive respectively the signals intended for said mobile stations and power command signals sent by said mobile stations for commanding the contribution of said signal to the transmission power of said base station, and a

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summer (10) for forming a composite signal from said signals delivered by said power command units (Figures 2 and 5 and column 5, lines 22 – 27), characterised in that said base station has summation units (Figures 2 and 5 and column 5, lines 22 – 27), the input signals of a given priority level being applied to the inputs of each summation unit which then delivers a sub-composite signal to the input of an attenuation unit whose output is connected to the input of said summer (Figures 2 and 5 and column 5, lines 41 – 60 and column 6, lines 14 – 18), each attenuation unit being designed to attenuate, by a variable attenuation coefficient (Figures 2 and 5, lines 39 – 45 and column 6, lines 14 – 18), the sub-composite signal at its input when the transmission power of said base station exceeds a predetermined power (Figures 2 and 5, lines 39 – 45 and column 6, lines 14 – 18), said attenuation coefficient being larger the lower the corresponding input signal priority level (Figures 2 and 5, column 5, lines 61 – 67 and column 6, lines 1 – 18).

Regarding claim 2, Rohani teaches all the claimed limitations as recited in claim 1. Rohani further teaches of characterised in that said attenuation coefficient of each attenuation unit is a power P of a base attenuation coefficient (column 4, lines 42 – 57), the value of P being identical for all said attenuation units (column 4, lines 42 – 57).

Regarding claim 3, Rohani teaches all the claimed limitations as recited in claim 2. Rohani further teaches of characterised in that each base attenuation coefficient is less than unity, the coefficient of an attenuation unit being closer to unity the higher the corresponding input signal priority level (starting column 4, line 58 and ending column 5, line 4).

Regarding claim 4, Rohani teaches all the claimed limitations as recited in any one preceding claim. Rohani further teaches of characterised in that an input signal intended for a

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mobile station is assigned to a sub-composite signal at the beginning of the communication (column 6, lines 19 –32).

Regarding claim 7, Rohani teaches of a method of controlling the transmission power of the sending section of a base station SB which receives, on its inputs, input signals e_1 to e_N which are intended to be transmitted to mobile stations SM_1 to SM_M attached to said base station SB, (Figures 1, 2 and 5) characterised in that it consists of forming groups of input signals according to predetermined priority criteria assigned to said input signals and of forming (Figures 2 and 5 and column 3, lines 20 – 57), from said input signals of each group, sub-composite signals, of forming, from said sub-composite signals, a composite signal which is transmitted to said mobile stations (Figures 2 – 5), and in that it consists of attenuating said sub-composite signals so that the power of the composite signal is always less than a predetermined power (Figures 2 and 5 and column 3, lines 15 – 20 and column 5, lines 41 –60 and column 6, lines 14 –18), the attenuation coefficients respectively applied to said sub-composite signals being different according to the sub-composite signals considered (Figures 2 and 5, column 6, lines 14 – 40).

Regarding claim 8, Rohani teaches all the claimed limitations as recited in claim 7. Rohani further teaches of characterised in that said attenuation coefficient applied to each sub-composite signal has a value which is greater the higher the priority level of the input signals from which it is formed (column 3, lines 26 –45).

Regarding claim 9, Rohani teaches all the claimed limitations as recited in claim 8. Rohani further teaches of characterised in that the attenuation coefficients respectively applied to the sub-composite signals are a same power P of base attenuation coefficients (column 4, lines

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41 –57), the variation of said attenuation coefficients being obtained by variation of said value of the power P (column 4, lines 41 –57 and column 6, lines 14 –18).

Regarding claim 10, Rohani teaches all the claimed limitations as recited in claim 9. Rohani further teaches of characterised in that the value of P is chosen so as to allow non-exceeding of said predetermined power, the value just below, P-1, causing exceeding of said predetermined power (Figure 3 and column 4, lines 41 –57).

Regarding claim 11, Rohani teaches all the claimed limitations as recited in claims 9 or 10. Rohani further teaches of characterised in that each base attenuation coefficient is less than unity, the coefficient of an attenuation unit being closer to unity the higher the corresponding input signal priority level (starting column 4, line 58 and ending column 5, line 4).

Citation of Pertinent Prior Art

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Inventor	Publication	Number	Disclosure
Komatsu	US Patent	5,794,129	Mobile Communication System and Bases Station for Use Therein

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanmay S Lele whose telephone number is (703) 305-3462. The examiner can normally be reached on 9 - 6:30 PM Monday – Thursdays and on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay A. Maung can be reached on (703) 308-7745. The fax phone numbers for the

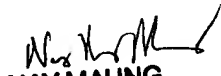
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organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.


Tanmay S Lele
Examiner
Art Unit 2684

tsl
September 5, 2003


NAY MAUNG
PRIMARY EXAMINER